



November 2, 1999

Ms. Donna Garcia Davidson  
General Counsel  
Office of the Lieutenant Governor of Texas  
The Capitol  
Austin, Texas 78711-2068

OR99-3100

Dear Ms. Davidson:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127824.

The Office of the Lieutenant Governor received an open records request for information concerning House Bill 2180. You contend the requested information is excepted from required public disclosure pursuant to sections 552.106 and 552.111 of the Government Code.

Section 552.106(a) of the Government Code protects drafts and working papers involved in the preparation of proposed legislation. The purpose of the exception is similar to that of section 552.111: to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body; it protects the internal "deliberative" or policy-making processes of a governmental body. Open Records Decision No. 460 (1987). Section 552.106(a) does not except purely factual material; rather, it excepts only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation. *Id.* Similarly, section 552.111 does not except purely factual information that is severable from the opinion portions of the memoranda.

We have reviewed the legislative assessment document provided by an analyst at the Texas Legislative Council and conclude that the Lieutenant Governor's office may withhold the information we have marked pursuant to section 552.106(a). The remaining information is factual information that must be released as it is not excepted from disclosure by either section 552.106(a) or 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is fluid and cursive, with the first name "Yen" and last name "Le" being clearly distinguishable.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/ljp

Ref.: ID# 127824

Encl.: Marked document

cc: Ms. Pat Tulinski  
McGehee & Pianelli, L.L.P.  
1225 N. Loop West, Suite 810  
Houston, Texas 77008-1781  
(w/o enclosures)